

Power of Attorneys (POAs)

There are two basic types of POAs: special and general.

- Both are only good while you are living. When you die, the will takes over and the personal representative handles your affairs from that point on.
- Special POAs are for particular things – it is a *limited* power.
 - They also may be needed when a general isn't accepted (ex. real estate).
 - The most common are for TMO, finance (if something happens with your pay), bank accounts, DEERs (so dependent can get a new ID card, etc), and buying/selling real estate.
- A general POA is a *broad financial document* that can be used by the person you name (the attorney-in-fact) to act for you.
 - There are three basic types and they mainly differ as far as WHEN they are effective:
 - GENERAL – the one page doc that you can get from the secretary of the legal office; it expires in one year or less; it becomes null and void if anything happens to you (i.e., mental incapacitation like Alzheimer's or physical incapacitation like a coma)
 - DURABLE – you must see an attorney to obtain because this document is very powerful
 - It does not have an expiration date (good b/c you don't have to renew it all the time, but bad b/c it's much harder to revoke – you would have to go to all the companies you think the person you name would deal with and provide a letter stating that it is revoked).
 - Be very careful of who you name in this document – you need to trust him or her implicitly.
 - You can name either one person to act for you OR
 - another person to act independently (either person can use the POA whenever) OR
 - an alternate only if the first is incapacitated or unavailable to act.
 - Please have the person's address available.
 - SPRINGING – you must also see an attorney for this one and not all states accept them (based on your residency)
 - Doesn't have an expiration date either.
 - Can only be used by the person you appoint when something happens to you – like mental or physical incapacitation.
 - Not the POA you want if you need someone to handle things while you are deployed or TDY.
 - You can name either one person to act for you OR
 - another person to act independently (either person can use the POA whenever) OR
 - an alternate only if the first is incapacitated or unavailable to act.
 - Please have the person's address available.

Before you sign your will and poa

These are some documents you might see...

Self-proving affidavit

- The witnesses and you are all stating that you were able to execute the will – you were of sound mind, not under duress, and that you are at least 18 years of age.

Affidavit that power of attorney is in full force and effect

- This is something good to give your attorney-in-fact (the person you are giving power to act on your behalf).
- Make extra copies.
- It may be needed when your attorney-in-fact tries to act on your behalf. For example, if he/she goes into a bank to do something for you, he/she will need to show the POA. The bank may also require that he/she do an affidavit swearing that the POA is still in effect (not revoked, you are still alive, etc). The bank may have their own affidavit for him/her to fill out, but this is a convenience for you and your family.

Affidavit of Physician

- Only needed if you have a springing poa because only effective when something happens to you.
- Doctor needs to sign off on the fact that you are incapacitated.

When should you get another will?

You do not have to get one every time you deploy.

You do not have to get one every few years. Your will can potentially be good for the rest of your life!

You only need to update your will when something changes – in your life or in the will itself.

- Life changes
 - new marriage or divorce
 - first child (if it is your second or third child, there should be language in the will about children you will hereinafter have so that they are covered)
 - change state of residency (NOT when you move, just when you change your state of residency – like on your LES)
- In the will, if you want to change
 - the person named as beneficiary, PR, or guardian – or the order
 - the amount or what someone will get

1 SOW/JA
Power of Attorney Worksheet



A. Personal Data:

Full Name: _____ Unit of Assignment: _____
Address: _____ Unit/work Telephone No: _____
State of legal residence: _____ SSAN: _____
Military status (circle one): Active Duty / Reservist / Guardsman / Spouse / Family member / Retired

B. Person to Whom Power of Attorney is to be Given:

Full Name: _____
Address: _____
Street Address City State Zip

C. ☐ **General Power of Attorney:** *To use my name in all dealings whatsoever and to represent me in any and all transactions or legal action which I could enter into my own name.*

I desire that this Power of attorney shall expire on _____ (no more than 1 year)

D. Special Power if Attorney: *To us my name in a specific dealing as follows:*

☐ To order shipment or storage of my household goods or to sign for delivery of household goods.(circle one)

Address: _____

☐ To ☐ (sell) ☐ (ship) ☐ (purchase) ☐ (operate, maintain, insure, register) my automobile (check all that apply).

Make _____ Model _____ YEAR: _____

VIN: _____

☐ To endorse checks and deposit money and other financial transaction or correspond w/ financial institution:

Institution Name: _____ Account #: _____

☐ To ☐ (sell) ☐ (purchase) real property (land and buildings) (Check all that apply)

Legal description: lot, block, or subdivision _____

Address: _____

☐ To provide medical care (**ONLY**) for child(ren) OR

☐ Appointment of temporary guardian [*in loco parentis* of child(ren)] (*usually used for Family Care Plan*)

Childs Name: _____ Date of Birth: _____ male/female

Childs Name: _____ Date of Birth: _____ male/female

Childs Name: _____ Date of Birth: _____ male/female

Childs Name: _____ Date of Birth: _____ male/female

☐ Other Special Power of Attorney – describe _____

* **PRIVACY ACT NOTICE:** AUTHORITY: 10 USC 802; EO 9397; PRINCIPAL PURPOSE: To collect data on you to assist your lawyer in drafting your will; ROUTINE USES: See principal purpose; DISCLOSURE IS VOLUNTARY: You are not required to complete this form; however, your failure to do so may result in not receiving legal assistance

PLEASE READ THE REVERSE SIDE OF THIS FORM

POWERS OF ATTORNEY

1. It is the policy of the Air Force that you understand the meaning and effect of your Power of Attorney. A Power of Attorney is one of the strongest legal documents that an individual can give to another person. The person you give the Power of Attorney to is called your "agent". The Power of Attorney authorizes your agent to act on your behalf and carry on your business in your absence. Acts performed by the agent that are authorized by the Power of Attorney are legally binding on you. **PLEASE NOTE: *that third party (banks, businesses, etc.) do not have to accept or acknowledge your Power of Attorney; it is totally within their discretion to do so.***

2. **A GENERAL POWER OF ATTORNEY** authorizes your agent to act with respect to any matter, such as sell or mortgage your home, withdraw your savings, borrow money, and sign contracts. In other words, an agent who has been given a General Power of Attorney can do anything that you could do personally, and his or her actions will be legally binding on you. It not good policy to have more than one (1) General Power of Attorney in effect at the same time; (2) It is also not recommended that you have a GPOA with **NO** expiration date. Generally, GPOA should be effective only for the time you will be gone, no more than 1 year

3. **A SPECIAL POWER OF ATTORNEY** authorizes your agent to do one or more, certain specified acts, such as sell your car, ship household goods, or cash a paycheck.

4. **You should grant no greater power than is absolutely necessary.** In addition, your agent should be someone in whom you have absolute trust and confidence.

5. You will be executing one copy of your Power of Attorney. It is suggested that you give the original of this document to your agent and that you make a copy so that you may have proof of the powers which you have given. It is suggested that you provide the original to your agent because photocopies of your Power of attorney are generally unacceptable to the recipient since they do not contain original signatures or the notary seal. If it appears that additional executed copies of your Power of Attorney are required, please discuss this with your base legal office.

6. Your Power of Attorney will automatically terminate with the death of either yourself or your agent. Otherwise, it will terminate on the date that you specified on the document unless you revoke it earlier or there are limitations imposed by state law. In some states, the length of time a power of attorney may be effective is limited by law. This has two aspects. For example, state law may provide that a power of attorney may last for no longer than a year. Or, state law may provide that if the grantor of the power becomes mentally or physically incapacitated the power of attorney will terminate.

7. You may revoke your Power of Attorney at any time by taking appropriate legal action to revoke the document.

8. All endorsements and instruments made by your agent pursuant to the Power of Attorney should be executed by him or her signing your name, followed by his or her name and the words "attorney in fact."

9. If you have any questions concerning your Power of Attorney please contact your base legal office at 884-7821.